

## **REMARKS**

Reconsideration and withdrawal of the rejections set forth in the Office Action dated November 22, 2006, is respectfully requested in view of this amendment. By this amendment, claims 1, 15, 23, 27, 31 and 32 have been amended, and new claims 33-38 have been added. Therefore, after entry of the above amendments, claims 1-38 will be pending in this application.

Claims 1, 15, 23, 27, 31 and 32 have been amended to describe the transmission of a pilot signal for the purpose when operating independently of the remote terminal as enabling communications with at least one other terminal. New claims 33-38 describe the transmission of a pilot signal for the purpose when operating independently of the remote terminal as enabling communications with terminals not controlled by a master terminal. It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132. These amendments are made without prejudice to later prosecution of the subject matter of these claims in this application or a subsequent continuation application.

In the Final Office Action, claims 1-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Haartsen (US 6,026,297, hereinafter *Haartsen '297*), taken in view of Taib, et al. (US 2003/0177219, hereinafter *Taib*). Claims 31 and 32 were rejected under 35 U.S.C. §102(e) as anticipated by *Haartsen '297*. These rejections, as applied to amended claims, are respectfully traversed.

### **Rejections under 35 USC §102**

Claims 31 and 32 were rejected under 35 USC 102(b) as anticipated by *Haartsen '297*. *Haartsen '297* was cited as showing a communications method in which a receiver listens for a message signal, represented in the Office Action as a pilot signal, receives the pilot signal of a remote unit, and determines if the incoming pilot signal has been acquired within a time period. *Haartsen '297* is further cited as showing exchanging signaling messages with a first remote terminal once such incoming pilot signal has been acquired, enabling pilot transmission for the purpose of operating independently of a remote terminal and registering a plurality of second remote terminals previously registered with a first terminal.

**Response**

The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131. The elements must also be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). This is particularly relevant to the prior art handling of pilot signals and enabling communications with at least one other terminal.

All of the elements of the present subject matter are not found in the cited prior art. Applicants submit that *Haartsen '297* fails to disclose each and every element of claims 31 and 32 as amended. Applicants' claim 31 describes:

"... determining that [an] incoming pilot signal has been acquired ... enabling a pilot signal transmission for the purpose of operating independently of [a] first remote terminal ... registering ... remote terminals that acquire the ... pilot signal, ... whereby the transmission of a pilot signal enables communications with at least one other terminal."

Similarly, claim 32 describes:

"... the receiver ... [exchanging] signaling messages with [a] first remote terminal upon acquisition of [an] incoming pilot signal, enable a pilot signal transmission for the purpose of operating independently of the first remote terminal, and register a plurality of second remote terminals that acquire the transmitted pilot signal, the second remote terminals being previously registered with the first remote terminal prior to the exchange of signaling messages, whereby the transmission of a pilot signal enables communications with at least one other terminal."

It is respectfully submitted that *Haartsen '297* fails to show or suggest the use of a pilot signal in any of the functions described in that reference. Instead, *Haartsen '297* describes messages including a "paging message" (column 3, line 8) and exchanging information (column 3, lines 60-61). Specifically, there is no description of receipt of a pilot signal of a remote unit as recited in claims 31 and 32.

Since the monitoring of pilot signals is not disclosed at all in *Haartsen '297*, there can be no determination if an incoming pilot signal has been acquired within a time period because there is no disclosure of the pilot signal. The exchange of signaling messages with a first remote terminal once such incoming pilot signal has been acquired is not suggested in *Haartsen '297*, again because there is no description of the pilot signal in the first place. The enabling pilot transmission for the purpose of operating independently of a remote terminal is also absent.

In view of the foregoing, Applicants submit that *Haartsen '297* fails to disclose all of the claimed features of claims 31 and 32, and thus does not anticipate those claims. Therefore, withdrawal of the rejection is respectfully requested.

### **Applicability of 35 USC §103 to Claims 31 and 32**

It is noted that the features described above in connection with the *Haartsen '297* reference specifically contradict the invention as claimed because the *Haartsen '297* reference relies on monitoring paging signals. The format of the paging message is not clear, but is in part described in *Haartsen '297*:

"techniques are described for enabling a master to page and thereby "awaken" an idle slave in a frequency hopping system by using the address and clock estimate of the recipient." Col. 1, lines 52-55.

*Haartsen '297* goes on to describe the "paging" procedure:

"the act of establishing the connection with the third wireless unit in the second wireless network includes transmitting a paging message that includes an address of the third wireless unit, receiving a response from the third wireless unit, and establishing the connection with the third wireless unit. In this way, the first wireless unit may be a master in the second wireless network." Col. 2, line 63 - col. 3, line 3 (emphasis added).

This suggests that the devices in *Haartsen '297* respond to a message with their address, or conceivably a message with any valid address. There is no suggestion that the receiving stations disregard this protocol and listen for pilots instead. Therefore it would be unobvious under 35 U.S.C. 103(a) to modify *Haartsen '297* to meet the claim limitations of the present invention.

**Rejections Under 35 U.S.C. §103**

The Examiner rejected claims 1-30 under 35 U.S.C. §103(a) as being unpatentable over *Haartsen '297* taken in view of *Taib*. This rejection, as applied to amended claims 1-30 and new claims 33-38 is respectfully traversed.

The *Haartsen '297* reference is cited as showing listening to an incoming signal and if the receiver detects an incoming pilot signal within a time period, the receiver operates under control of the corresponding remote terminal. Independent operation is cited as enabling pilot signal transmission. *Taib* is used to show the use of a threshold power level.

As pointed out above, *Haartsen '297* is directed to a paging system by which wireless receivers respond to a paging message that includes an address of a wireless unit. Therefore, there can be no suggestion in *Haartsen '297* that a pilot signal be monitored. In particular, there is no teaching or suggestion that a pilot signal be used as a criterium for whether a receiver operates under control of a remote terminal. Therefore the prior art is devoid of a suggestion that, if an incoming pilot is not received within a listening time period, the receiver operates independently and enables a pilot signal transmission.

The claims, as amended, further distinguish the present invention over the prior art of record:

"... such independent operation including enabling a pilot signal transmission, whereby the transmission of a pilot signal enables communications with at least one other terminal." (Claim 1; claims 15, 23 and 27 similar.)

There is no suggestion in the prior art of record that if the threshold is not reached, independent operation be enabled including enabling a pilot signal transmission. There is further no suggestion in the prior art of record that the pilot signal enable communications with at least one other terminal.

In contrast, *Haartsen '297* determines connectivity by use of paging messages that includes an address of remote wireless units. Therefore it would not be obvious to include a threshold power level (Taub) into a wireless network such as *Haartsen '297*, as such a combination would still not provide the features of the presently claimed subject matter.

This ability to enable communications with at least one other terminal is further elaborated upon by dependent claims 33-38, which describe the pilot signal enabling

communications with terminals not controlled by a master terminal. This process is neither shown nor suggested by the prior art of record.

Dependent claims 2-14, 16-22, 24-26 and 28-30 are allowable for the reasons given above, in combination with their features. Specifically, the prior art of record fails to show or suggest establishing a communications link with a second remote terminal that acquires the transmitted pilot signal (claims 2, 6, 19, 22, 24 and 28). The prior art of record fails to show or suggest registering each of a plurality of second remote terminals that acquire the transmitted pilot signal (claims 3-7, 17-21, 24, 25, 28 and 29). The prior art of record fails to show or suggest receiving a request to communicate from an unregistered terminal and assigning one of the registered terminals to communicate with the unregistered terminal (claims 8, 11-13 and 22). The prior art of record fails to show or suggest selecting threshold power level in association with a pilot, in which the threshold power level is a function of a minimum data rate (claims 9, 28 and 30).

The remaining dependent claims are allowable at least for the reasons given above with respect to their respective independent claims.

Therefore claims 1-30 and 33-38 are allowable over the prior art of record.

#### **OTHER REFERENCES OF RECORD**

Applicants has reviewed the references made of record and asserts that the claimed invention is patentable over the references made of record.

## CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner call the undersigned.

Applicants respectfully request a two-month extension of time to respond to this Office Action. The Commissioner is hereby authorized to charge the requisite fee of \$450 to Deposit Account No. 17-0026.

Please charge any other fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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